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19 *PRIVASYS, INC.*

20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 PRIVASYS, INC.

24 Plaintiff,

25 v.

26 AMERICAN EXPRESS COMPANY and
27 AMERICAN EXPRESS TRAVEL RELATED
28 SERVICES COMPANY, INC.,

Defendants.

Case No. C-08-01072 SI

**STIPULATED REQUEST TO
RESCHEDULE LITIGATION DATES**

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff PrivaSys, Inc. (“Plaintiff”) and
2 Defendants American Express Company and American Express Travel Related Services
3 Company, Inc. (“Defendants”), hereby stipulate through their respective counsel of record as
4 follows:

5 WHEREAS the Case Management Conference in this case was held on July 11, 2008, as
6 the result of which litigation dates were ordered by the Court;

7 WHEREAS, notwithstanding the recent occurrence of the Case Management Conference
8 and resulting order, the parties believe that an extension of litigation dates is appropriate for the
9 following reasons: The parties are engaged in settlement discussions, and believe that an
10 extension of dates may aid the parties in their efforts to resolve this litigation and may
11 economize on the resources of the Court and of the parties; and

12 WHEREAS it appears to the parties that the Court’s order following the Case
13 Management Conference, set forth in the Court’s July 11, 2008 Civil Pretrial Minutes, includes
14 two typographical errors, in that the Minutes state “9/4/08” is the date for “Disclosure of
15 Asserted Claims and Preliminary Infringement Contentions by deft. and Production of
16 Documents” (when the parties had stipulated to a date of July 21, 2008 for these matters and the
17 Court indicated its approval at the July 11, 2008 Case Management Conference); and the
18 Minutes further state that “7/21/08” is the date to “Serve Preliminary Invalidity Contentions by
19 pltf. and production of documents” (when the parties had stipulated to a date of September 4,
20 2008 for these matters and the Court indicated its approval at the July 11, 2008 Case
21 Management Conference); and

22 WHEREAS no previous extensions of time have been granted in this case and no trial
23 date has yet been set;

NOW THEREFORE the parties through their undersigned counsel hereby stipulate to, and request the Court to order, the continuance of litigation dates by three weeks as set forth in the proposed order attached hereto. Concerning the November 14, 2008 date now set for Further Case Management Conference, the parties do not see a need to continue it, and therefore do not request a continuance as to it. Concerning the March 11, 2009 date now set for the Markman hearing, the parties request that the Court re-schedule it for April 1, 2009 or as soon thereafter as is convenient for the Court.

IT IS SO STIPULATED

DATED: July 18, 2008

HOSIE RICE LLP

By: /s/ George F. Bishop
George F. Bishop

Attorneys for Plaintiff PrivaSys, Inc.

DATED: July 18, 2008

KIRKLAND AND ELLIS LLP

By: /s/ Perry Clark
Perry Clark

Attorneys for Defendant American Express Company and American Express Travel Related Services Company, Inc.

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

DATED: July 18, 2008

/s/ George F. Bishop
George F. Bishop

ORDER

Pursuant to the stipulation of the parties, it is hereby ORDERED that the compliance dates set forth in the Court's Civil Pretrial Minutes, dated July 11, 2008, are continued to the dates set forth below.

8/11/08	Disclosure of Asserted Claims and Preliminary Infringement Contentions (Pat.L.R. 3-1 &2) by plaintiff and production of documents
9/25/08	Serve Preliminary Invalidity Contentions (Pat.L.R. 3-3 &4) by defendant and production of documents
10/6/08	Parties Exchange Proposed Terms & Claim Elements (Pat.L.R. 4-1)
10/27/08	Parties Exchange Preliminary Claim Construction & Extrinsic Evidence (Pat.L.R. 4-2)
11/24/08	File Joint Claim Construction & Prehearing Statement
1/8/09	Completion of Claim Construction Discovery (Pat.L.R. 4-4)
2/6/09	File Opening Brief on Claim Construction (Pat.L.R. 4-5)
3/6/09	File Responsive Brief on Claim Construction (Pat.L.R. 4-5)
3/20/09	Reply Brief on Claim Construction
November 14, 2008 @ 2:30 p.m.	Further Case Management Conference
April 1, 2009 [or date to be set by the Court]	Markman Hearing

SO ORDERED

July ____, 2008

Honorable Susan Illston
United States District Judge